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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/663,340	09/15/2003	Xavier Rottenberg	IMEC283.001AUS	1565	
20995	7590 04/05/2005	EXAM	EXAMINER		
	MARTENS OLSON &	NGUYEN	NGUYEN, DAO H		
2040 MAIN FOURTEEN	STREET VTH FLOOR	ART UNIT	PAPER NUMBER		
IRVINE, C	A 92614	2818			
			DATE MAILED: 04/05/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary		Application	on No.	Applicant(s)				
		10/663,34	10	ROTTENBERG ET AL.	(love			
		Examiner		Art Unit				
		Dao H. Ng		2818				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
THE - Exte after - If the - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLEMAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. In period for reply specified above is less than thirty (30) days, a replay period for reply is specified above, the maximum statutory period for the reply within the set or extended period for reply will, by statuting reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	136(a). In no even ply within the state d will apply and wite, cause the apple	ent, however, may a reply be timuser, however, may a reply be timusers and the strong and the st	nely filed s will be considered timely. the mailing date of this commun D (35 U.S.C. § 133).	iication.			
Status								
1) 🏹	Responsive to communication(s) filed on 14 I	Mav 2004.		-				
•	This action is FINAL . 2b) \boxtimes This action is non-final.							
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
5) 6) 7)	 ✓ Claim(s) 1-20 is/are pending in the application. ✓ 4a) Of the above claim(s) is/are withdrawn from consideration. ☐ Claim(s) is/are allowed. ☐ Claim(s) is/are rejected. ☐ Claim(s) is/are objected to. ✓ Claim(s) 1-20 are subject to restriction and/or election requirement. 							
Applicati	ion Papers							
10)	The specification is objected to by the Examin The drawing(s) filed on is/are: a) accomposition and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examin The specific and	cepted or b) e drawing(s) b ction is require	e held in abeyance. See ed if the drawing(s) is obj	e 37 CFR 1.85(a). jected to. See 37 CFR 1.				
Priority (under 35 U.S.C. § 119			•				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some color None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.								
2) Notice 3) Information	et(s) Dee of References Cited (PTO-892) Dee of Draftsperson's Patent Drawing Review (PTO-948) Description Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Decription Date	8)	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		l			

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-19, drawn to semiconductor device(s), classified in class 257, subclass 532.

Group II: Claim 20, drawn to method(s) of manufacturing semiconductor device(s), classified in class 438, and subclass 957.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, unpatentability of the group I invention would not necessarily imply unpatentability of the group II invention, since the device of the group I invention could be made by other and materially different processes from those of the group II invention. For example, the device(s) of group I can be made by method wherein the first electrode being formed and etched successfully, then the dielectric layer being formed and etched successfully on the first electrode, and then the second electrode being formed and etched on the dielectric layer, instead of forming all three layers then performing the etching processes after that as stated in the group II invention.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, the fields of search are not co-extensive. Therefore, separate examination would be required and

restriction for examination purposes as indicated is proper.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed

petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

5. A telephone call was made to Mr. Mark M. Abumeri on 03/25/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

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7. A shortened statutory period for response to this action is set to expire 1 (one)

month and 0 (zero) day from the day of this letter. Failure to respond within the period

for response will cause the application to become abandoned (see M.P.E.P 710.02(b)).

8. Any inquiry concerning this communication from the examiner should be directed

to Dao Nguyen whose telephone number is (571)272-1791. The examiner can normally

be reached on Monday-Friday, 9:00 AM - 6:00 PM. If attempts to reach the examiner

by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached

on (571)272-1787. The fax numbers for all communication(s) is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.

David Nelms

Supervisory Patent Examiner

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Technology Center 2800

Dao H. Nguyen Art Unit 2818 April 01, 2005